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RUEATRS/DEPT OF TREASURY WASHINGTON DC
RUEHKG/AMEMBASSY KINGSTON

C O N F I D E N T I A L KINGSTON 000023

SIPDIS
STATE FOR WHA/CAR (V.DEPIRRO, W.SMITH, J.MACK-WILSON)
L/LEI FOR C.HOLLAND, A.KLUESNER
JUSTICE FOR OIA (M.WARLOW, P.PETTY, P.MCKENNA)
TREASURY FOR ERIN NEPHEW, RACHEL JARPE

E.O. 12958: DECL: 2020/02/19

TAGS: CJAN SNAR PREL SOCI ASEC KCRM KCOR JM XL
SUBJECT: JAMAICA: COKE EXTRADITION CASE; MFAFT REQUESTS USG RESPONSES

REF: KINGSTON 9 (101406Z FEB 10)
KINGSTON 174 (042227Z FEB 10)(NOTAL)
KINGSTON 114 (291917Z JAN 10)(NOTAL)
09 KINGSTON 749 (031232Z DEC 09)(NOTAL)
09 STATE 122699 (302220Z NOV 09)(NOTAL)
09 KINGSTON 962 (171909Z NOV 09)(NOTAL)
09 KINGSTON 924 (041544Z NOV 09)(NOTAL)
09 STATE 108074 (191805Z OCT 09)(NOTAL)
09 STATE 8580Z (181409Z AUG 09)(NOTAL)

CLASSIFIED BY: Lloyd W. Moss, Pol-Econ Counselor, State, Kingston;
REASON: 1.4(B), (D)

1.(C) On February 19, Post received the following diplomatic note from the Government of Jamaica (GoJ)'s Ministry of Foreign Affairs and Foreign Trade (MFAFT), dated February 15:

(Begin text of MFAFT diplomatic note 358/701/5, dated February 15)

" The Ministry of Foreign Affairs and Foreign Trade presents its compliments to the Embassy of the United States of America and has the honour to refer to the meeting which a Jamaican delegation held with U.S. government officials at the Department of Justice on 14 December, 2009.

The Jamaican delegation included the Solicitor General, Mr. Douglas Leys and the Permanent Secretary in the Ministry of Foreign Affairs and Foreign Trade, Ambassador Evadne Coye and Mr. Lackston Robinson Deputy Solicitor General. The U.S. delegation was led by Ms Mary Ellen Warlow, Director in the Office of International Affairs, United States Department of Justice Criminal Division and included senior officials from the State Department.

Discussions centered on the question of extradition, in particular, the Christopher Coke case. Both sides were forthright in expressing concerns over the complexities of this case and in the end agreed on the following way forward:

* Solicitor General Douglas Leys and Director, Ms Warlow, would remain in direct, fluid communication;

* The Department of Justice, USA, would review its records in order to inform the Solicitor General on the Jamaican authority by which the wire tap evidence against Coke was conveyed to the United States;

* For its part, the Ministry of Justice, Jamaica, would resume its own internal investigation with a view to determining which office authorized the transfer of that same evidence to the USA;

* The Department of Justice would advise the Solicitor General on whether there was evidence other than that acquired by wire tap, which could be successfully brought against Christopher Coke in court.

Since the December 14, 2009 meeting, Solicitor General Leys has communicated to the Charge d' Affaires of the U.S. Embassy that further investigation has not revealed the source of the authority for the transfer of the wire tap evidence to the USA. These investigations are continuing and are now formally in the hands of the Commissioner of Police. The next step in the process is, therefore, the information promised by the Director in the Department of Justice as outlined above.

The Ministry refers also to an email sent by Solicitor General Leys to Ms. Warlow on 18 January, 2010, pursuant to the agreement for direct, fluid communication, seeking her views on his suggested text for a press release in Jamaica. That text was also forwarded to the Embassy of the United States of America. To date, there has been no response. The Ministry acknowledges that the timing is no longer opportune for that text to be released, but hopes that the fluid communication on which both sides had agreed in December will be activated.

The Ministry of Foreign Affairs and Foreign Trade avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration. "

(End text of MFAFT diplomatic note 358/701/5, dated February 15)

2.(C) Post awaits diplomatic notes and talking points on extradition request for delivery to Foreign Minister and Attorney General as outlined in Mack-Wilson / Parnell e-mails on this matter.
Parnell